IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE THIRD DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HONOURABLE SRI JUSTICE V.V.S.RAO

-

WRIT PETITION No.16962 of 2003

Between:

Bheemageni Ravi s/o. Narsaiah, Aged 30 years,
Chinnakandukur Village, Yadagirigutta Mandal,
Nalgonda District

..... PETITIONER

AND

1 The District Collector, Nalgonda Nalgonda district
2 The District Panchayat Officer, Bhongir, Nalgonda District
3 The Divisional Panchayat Officer Bhungir, Nalgonda District6
4 The Panchayat Secretary, Grampanchayat Chinnakandukur Village
Yadagirigutta Mandal Nalgonda District

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue any appropriate writ, order or direction, preferably a writ in the nature of Certiorari calling for records pertaining to the proceedings No. 1329/03-A1(Pts.), dt.31.7.2003, issued from the office of respondent No.1 signed by 2nd respondent to quash the same holding the same as without authority of law without jurisdiction, illegal, arbitrary, unconstitutional in violation of principles of natural justice.

Counsel for the Petitioner: MR.A.RAJASEKHAR REDDY

Counsel for the Respondent Nos.1 to 4: GP FOR PANCHAYAT RAJ & RURAL DEVELOPMENT

The Court made the following:

-

-

-

-

-

ORDER:

The petitioner was elected as Sarpanch of Chinnakandukur village in Yadagirigutta Mandal of Nalgonda District. By Proceedings No.1329/03-A1(Pts.) dated 31.7.2003, the first respondent herein removed the petitioner in exercise of powers under Section 249(1) of the A.P. Panchayat Raj Act, 1994 (the Act, for brevity) on various allegations *inter alia* that he has misappropriated an amount of Rs.56,640/- and that though he purchased PVC pipes worth of Rs.3,887/- he has drawn an amount of Rs.60,000/-. The impugned order was preceded by a show cause notice dated 3.7.2003. The Sarpanch duly sent his explanation requesting the District Collector to provide necessary records where after the order is passed.

The impugned order is challenged *inter alia* on the ground that though the petitioner submitted explanation on 30.7.2003, the same was not considered by the District Collector. Therefore the principles of natural justice have been flouted.

This Court while ordering notice before admission, passed orders suspending the impugned order and later the writ petition was admitted. Though the Interlocutory Application is coming up for further orders today, in view of sub-section (7) of Section 249 of the Act, the matter is being disposed of. The petitioner is provided with an effective alternative remedy of filing appeal before the Commissioner, Panchayat Raj. The petitioner is given liberty to file appeal within a period of one week from the date of this order and obtain appropriate interim orders as well as final orders from the Commissioner, Panchayat Raj. There shall be *status quo*, if the petitioner is continuing as Sarpanch of Chinnakandukur as on today.

The writ petition, with the above observations and directions, is disposed of.

_____

Date: September 3, 2004. **(V.V.S. RAO, J)**

YS

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1 The District Collector, Nalgonda Nalgonda district
2 The District Panchayat Officer, Bhongir, Nalgonda District
3 The Divisional Panchayat Officer Bhungir, Nalgonda District6
4 The Panchayat Secretary, Grampanchayat Chinnakandukur Village Yadagirigutta Mandal Nalgonda District

5 Two CCs to the Government Pleader for Panchayat Raj and Rural

Development, High Court of A.P., Hyderabad (O.U.T)

6 Two CD copies.